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May 16, 2011

ECF CASE

Honorable Cheryl L. Pollak
United States Magistrate Judge
U. S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: The Gerffert Company, Inc., et al v. James Dean, et al.
09 Civ. 266 (KAM)(CLP)
Our Ref: 09-99-4336/PJZ

Madam:

We represent defendants James Dean and HMH with respect to the uninsured claims in suit.

On May 13, 2011, we received an ECF notice of a telephone conference scheduled for May 17, 2011 at 4:00 p.m. to discuss the scheduling of an evidentiary hearing on the pending motion to disqualify.

On May 12, 2011, we received a telephone call from Ms. Berger of your Honor's chambers, inquiring whether we wished to participate in a teleconference to discuss a revised date for argument of the said motion and indicated that we did not wish to participate. The ECF notice ensued.

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As a result, and although we are interested in the result of the motion, since we submitted no papers on the motion, we intend relying upon those submitted by Olivier A. Taillieu, Esq. and Kevin I. Shenkman, Esq. of Zuber & Taillieu LLP, who represent William J. Hirten Co., LLC with respect to the insured claims in suit.

We trust that the above comports with your Honor's Rules.

As an aside, due to a personal situation at home, I normally leave my office for home at about 4:05/4:10 p.m. daily.

Thank you for your attention to above.

Very respectfully yours,

DOUGHERTY RYAN GIUFFRA ZAMBITO & HESSION

S/ PETER J. ZAMBITO

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